

Fraud, violence and negotiations in Kenya

International pressure and diplomatic efforts made by the former UN General Secretary, Kofi Annan, in recent weeks in Kenya are resulting in moves towards a consensus regarding the basic points of a pre-agreement between the president, Mwai Kibaki, and the leader of the opposition, Raila Odinga. This pre-agreement should establish the bases for putting an end to the violence that the country has been suffering since the announcement of the controversial results of the legislative and presidential elections held on December 27, 2007, and which have already caused more than 1,000 deaths and the forced displacement of some 300,000 people. These results renewed the president's mandate and have not been accepted by the opposition or approved by international observers, due to the fraud and different irregularities that were committed. The support of the church, the country's financial sectors and the international community have contributed to the establishment of these pre-agreements. Even the Bush administration is trying to put its two cents in and has sent Secretary of State Condoleezza Rice as support for Kofi Annan's mediations. The sole objective of this intervention by Bush is to improve his warmongering image as his mandate, which has been so plagued by failures both in the national and international arenas, draws to a close.

Over the next few weeks, the parties will have to reach new and real commitments on how to implement the four basic points that make up the agenda of the peace plan: to put an end to the violent situation, stop the humanitarian situation that has resulted from the events, solve the political crisis and, finally, deal with the historical injustices and disputes over land ownership. For the moment, the parties have agreed on several actions to put an end to the violence, which include the demobilisation of their militias and the control of the provocative discourses that are inciting hatred between the two sectors, although the implementation of these measures has yet to be seen. In this sense, Kofi Annan has proposed the establishment of a truth and reconciliation commission. In terms of the political crisis, the parties have also come to an understanding by agreeing to the creation of an independent panel that will be responsible for investigating the events that occurred during the elections, and have also reached a pre-agreement regarding a reform of the Constitution, the electoral tribunal, the police and the Parliament. This independent commission will be made up of Kenyan and foreign personages, and will start work, at the very latest, on March 15 and will have between three and six months to determine whether there were any irregularities. Nevertheless, the two parties are still very distant with respect to the political crisis and the search for a solution that could lead to a redistribution of political power and the formation of a coalition government, although the creation of the figure of a prime minister is also being debated. Annan has stressed that the parties will have to form a broad coalition in order to agree on electoral and constitutional reform. The confrontations and acts of violence in the country have continued, which shows how difficult it is to control the situation, and maybe also a lack of willingness to do so.

The roots of the current situation bring together a series of issues. Kenyan politics and economics have been dominated since the country's independence in 1963 by the *Kenya African National Union* party (KANU), controlled by the most numerous community in the country, the Kikuyu (or Gikuyu), to the detriment of the others. The KANU was led by the leader of independence, Jomo Kenyatta, and shifted from radical nationalism to more bourgeois politics and was supported by the Kikuyu elite (22% of the population), along with the Embu and Meru (which make up less than 5% of the population). When he died in 1978, the country's political leadership and wealth was concentrated in an alliance that grouped the three communities. It must be remembered that the country is made up of 48 communities, although three of these (the Kikuyu, Luo and Luhya) represent 65% of the population, so power agreements have had to be based, to a greater or lesser extent, on balances and marginalisation among these groups. The rise to power of the authoritarian and kleptocratic Daniel Arap Moi in 1978, who was a member of the Kalenjin minority (12%), led to the progressive marginalisation of the power of the traditional Kikuyu elites in favour of his own minority, and in 2002 the Kikuyu elites sought the support of the rest of the political opposition in order to recover their power. Arap Moi attempted to maintain the reigns of power by supporting a successor candidate in the form of a puppet politician from the Kikuyu community, Uhuru Kenyatta (son of Jomo Kenyatta), but a broad coalition led by Kibaki, and supported by Raila Odinga, won the elections with their promise of political and democratic transformation, putting an end to corruption, and redistributing the wealth in an eminently poor and agricultural country whose growth is based on tourism.

However, the economic growth experienced over these five years has not meant any improvement to the standard of living of the majority of the population (with high unemployment rates affecting between 40 and 50% of the active population) but it has improved the lives of the economic elites in the country. Social inequalities have increased, and corruption has reached similar levels to those under Daniel Arap Moi, with several financial scandals having come to light. Moreover, the security situation has deteriorated over these years in the country. This violence has arisen in three different ways. First, a wave of criminal activity has been unleashed in urban areas. Second, there has been a proliferation of inter-community disputes between the old and new settlers with regards to the ownership and use of land, mainly in the districts of Mont Elgon (where around 180 people have died since December 2006) and Kisii, in

the southwest, and also in the districts of Samburu (north) and Laikipia (centre), where different confrontations – a consequence of livestock looting – have led to the displacement of thousands of people and some 50 deaths. These disputes are often politically instigated during election periods, part of the use of different ethnic groups for political ends. Third, a police operation was set up against the Mungiki sect, which caused the death of about 120 people between May and November 2007. In this sense, a study carried out by a local organisation accused the police of causing the death of more than 8,000 people as a result of extrajudicial tortures and executions committed against people suspected of belonging to this sect. This repression was accompanied by the disappearance of some 4,000 people from 2002, when it was declared illegal (the Mungiki sect supported candidate Uhuru Kenyatta in the 2002 elections), to August 2007.¹ This sect has traditional roots, and was inspired by the Mau Mau rebellion in the fifties against the British Empire, and is currently encompassed by a world of criminal activity and possesses a wide network of extortion in return for protection of the routes used by the *matatu* (collective taxis) and has connections in different political aspects of the country.

In consequence, a climate of frustration has developed, assisting Raila Odinga, of the Luo ethnic group, and a candidate for the Orange Democratic Movement (ODM) in capitalising on the discontent, which has concentrated a wide range of ethnic grievances and motivations. These are ethnic, due to the way in which the Kikuyu have assumed so much power in detriment to the remainder. They are political, due to Kibaki's failure to comply with his promises for change. They are social, as crime and violence are way out of control. And finally, they are economic, due to the unequal distribution of the growth of the last few years, which has excluded broad layers of the population. That is why, with a discourse based on change and the construction of a fairer society, these elections have been achieved. However, it is noteworthy that in the provisional results of the parliamentary elections (which were held at the same time as the presidential elections), the ODM won almost half of the 210 seats in parliament, while Kibaki's Party of National Unity (PNU) only won about one fifth of the seats. Predictably, while this difference should have been reflected in the presidential elections, but in numerous districts the results were manipulated in favour of Kibaki. Apart from this manipulation, another possible factor explaining the votes in favour of Kibaki could be that people voted for other local representatives than Kibaki's did not vote against him in the presidential elections. According to different analysts, the vote was aimed more against the establishment than against the Kikuyu, as many members of the previous cabinet were not Kikuyu, and several Luo members of the PNU also lost their seats. The proliferation of small parties supports this hypothesis of votes seeking change, something which might explain the explosive response to the electoral fraud.

This set of elements has gone on to create a cocktail of violence, which in some cases has been political; in other words, it has been promoted by political parties and people seeking power; in others it has been ethnic, due to the accumulation of historic grievances; and it has also been indiscriminate and linked to the criminal activity and lack of control of the general situation. So, the political violence has an ethnic and socio-economic background, because, even though most Kikuyu did not even remotely benefit from the existing regime, it is true that most of the people that did benefit from that regime were Kikuyu. As well as the high count of mortal victims and displacements, there has also been a major humanitarian and food crisis, the closure of many companies and the collapse of the tourist industry. It is estimated that the crisis is causing the loss of some 30 million dollars a day. Moreover, most of the humanitarian aid and petrol destined for Uganda, Rwanda and the east of the RD Congo is sent via Mombassa, so the situation is also having serious repercussions on those countries too.

The rapid interventions of Nobel Prize winning South African Desmond Tutu and the Secretary General of the UN, Kofi Annan, as the main agents involved, have managed to steer the situation towards the first signs of agreement. However, this pre-agreement, though foreseeable, has arrived too late, and it is not known whether it is going to be definitive. This is a question that political leaders are going to have to answer, failing as they have to show their commitment to finding a solution that could avoid this bloodbath and social division.

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¹ Oscar Foundation Free Legal Aid Clinic-Kenya, *Youth State Repression, The Killing Fields*, November 2007, in <http://www.oscarfound.org/downloads/youth_State_Repression.pdf>